

United States Government

Department of Energy

Albuquerque Operations Office

memorandum

DATE: March 8, 2001

REPLY TO: OCC

SUBJECT: Federally Funded Work for Others Non Federal Sponsor Agreements

TO: Elizabeth Sellers, KCAO
Daniel Glenn, AAO
Richard Mah, IBDPO, MS C334, LANL
David Goldheim, CBD&P, MS 0185, SNL/NM

The Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, Department of Energy (DOE) Headquarters (HQ) and other DOE field offices have determined that in federally-funded Work for Others (WFO) Non Federal Sponsors (NFS) agreements, rights to inventions remain with DOE or the DOE contractor. Therefore, the Technology Partnerships Branch, Laboratory Programs Division, and AL's Office of Patent Counsel have decided to bring AL's policies into conformity with HQ and the other DOE field offices as described in this memorandum.

This guidance modifies my August 4, 2000 memorandum, subject "Work for Others (WFO) Non-Federal Sponsors (NFS) Patent Class Waiver."


Effective immediately:


- The Patent Class Waiver will not apply to WFO NFS agreements where the Sponsor is funding a portion or all of the work from a federally-funded financial assistance award or contract. The Patent Class Waiver only applies to WFO NFS agreements where the Sponsor is funding the entire agreement with its own funds.
- Where there is federal funding for the WFO NFS agreement, rights to inventions reside with DOE or the DOE contractor, depending upon the Patent Rights provision included in the Management and Operating (M&O) Contract of the particular Contractor.

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- Where there is federal funding for the WFO NFS agreement, the Sponsor should provide to the Contractor written documentation that a portion or all of the WFO NFS agreement work derives from a federally funded financial assistance award or contract. This documentation should identify at least the federal agency. The documentation should be provided by the Contractor to DOE for its files.

Please call me at (505) 845-5172 or Dave Katz at (505) 845-5342 if you have any questions or require additional information.


Dickson G. Kehl
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